

Notice of Allowability

Application No.

09/853,567

Examiner

Daniel R. Sellers

Applicant(s)

SAKATA, JUNICHIRO

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/11/06.
2. ☒ The allowed claim(s) is/are 31,33-35,37-39,41,43,44,46-48,50-52,54,56,57,59,61,62 and 64.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see p. 3, second full paragraph, filed 10/11/06, with respect to the independent claims (claims 31, 35, 38, 44, 48, 51, 57, 59, and 61) have been fully considered and are persuasive. The rejection of claims 31, 33-35, 37-39, 41, 43-44, 46-48, 50-52, 54, 56-57, 59, 61-62, and 64 has been withdrawn.

Allowable Subject Matter

2. **Claims 31, 33-35, 37-39, 41, 43-44, 46-48, 50-52, 54, 56-57, 59, 61-62, and 64** are allowed.

3. The following is an examiner's statement of reasons for allowance:

4. **Claim 31** is written in means plus function language and invokes 35 USC 112, sixth paragraph. Therefore, claim 31 is allowed because the prior art does not teach or suggest the switching means as disclosed in the specification on page 32, last paragraph - page 34, not including the first full paragraph on page 34.

The prior art also does not teach the feature of placing a piece of content whose playback is terminated at the end of the arrangement. The prior art teaches a looping playback, wherein playback continues from the top of a playlist when the content at the bottom or end of a playlist is terminated (Venkatesh, Col. 40, lines 46-62). This teaches continuous playback, but does not teach or suggest placing the content at the bottom or end of the arrangement as shown on a display.

5. **Claims 33-34** are allowed because they depend on claim 31.

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6. **Claim 35** is allowed for the same reasons as claim 31.
7. **Claim 37** is allowed because it depends on claim 35.
8. **Claim 38** is allowed for similar reasons as claim 31. Specifically, claim 38 is allowed because the prior art does not teach the feature of placing content whose playback is terminated at the end of an arrangement.
9. **Claims 39, 41, and 43** are allowed because they depend on claim 38.
10. **Claim 44** is allowed for the similar reasons as claim 38, however the claim is not written in means plus function language and does not invoke 35 USC 112, sixth paragraph. The prior art does not teach or suggest the feature of placing content whose playback is terminated at the end of an arrangement.
11. **Claims 46-47** are allowed because they depend on claim 44.
12. **Claim 48** is allowed for the same reason as claim 44. The prior art does not teach or suggest the feature of placing content whose playback is terminated at the end of an arrangement.
13. **Claim 50** is allowed because it depends on claim 48.
14. **Claim 51** is allowed for the same reason as claim 44. The prior art does not teach or suggest the feature of placing content whose playback is terminated at the end of an arrangement.
15. **Claims 52, 54, and 56** are allowed because they depend on claim 51.
16. **Claim 57** is allowed for the same reason as claim 44. The prior art does not teach or suggest the feature of placing content whose playback is terminated at the end of an arrangement.

17. **Claim 59** is allowed for the same reason as claim 44. The prior art does not teach or suggest the feature of placing content whose playback is terminated at the end of an arrangement.

18. **Claim 61** is allowed for the same reason as claim 44. The prior art does not teach or suggest the feature of placing content whose playback is terminated at the end of an arrangement.

19. **Claims 62 and 64** are allowed because they depend on claim 61.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SINH TRAN
SUPERVISORY PATENT EXAMINER

DRS